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An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from RS10 to SP zoning for properties located at 3128 Elm Hill Pike and Elm Hill Pike (unnumbered), to permit 38 multi-family residential units, all of which is described herein (Proposal No. 2021SP-011-001).

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from RS10 to SP zoning for properties located at 3128 Elm Hill Pike and Elm Hill Pike (unnumbered), to permit 38 multi-family residential units, being Property Parcel Nos. 053, 337 as designated on Map 108-00 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and Metropolitan Clerk's Department and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 108 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the uses of this SP shall be limited to a maximum of 38 multi-family residential units. Short term rental properties -owner occupied and short term rental properties - not owner occupied are prohibited.

Section 4. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. Comply with all conditions and requirements of Metro reviewing agencies.
2. The development shall provide adequate access that meets the requirements of the Fire Marshal's Office and Department of Public Works.
3. The proposed right-of-way dedication shall be dedicated by Final Plat prior to the approval of the first building permit, or as determined by the Executive Director of Planning.
4. The Preliminary SP plan is the site plan and associated documents. Remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
5. The development area shall be fully fenced. Decorative black metal fencing shall be utilized along Elm Hill Pike and around the dog park area. Existing fencing shall be utilized where available.
6. Vinyl and chain-link fencing shall be prohibited.
7. A minimum of 50% of the net façade area (excluding windows and doors) shall be brick or stone. The remainder of the net façade area shall be comprised of fiber cement siding or wood siding. Vinyl siding shall be restricted to dormers and other non-supported areas of the façade that cannot support wood or fiber cement siding and limited to no more than 20% of the net façade area. Split face and smooth concrete masonry units, aluminum siding, and Masonite siding shall be prohibited façade materials.

8. The façade composition of each unit shall be varied in material and color to break up mass and provide visual interest.
9. All landscape buffers provided shall be Type B-1 as described in Figure 17.24.240B of the Metro Code.
10. Sidewalks shall be provided within the development to provide a pedestrian connection for all units to amenity areas.
11. There shall be no community dumpsters within the development. Trash and recycling services shall utilize a private curbside pick-up service.

Section 5. Be it further enacted, a corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 6. Be it further enacted, minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Section 7. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM6-NS zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.